



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Falk FISH

Application No. 09/763,415

Filed: May 16, 2001

For: METHOD AND KIT FOR THE DETERMINATION OF...

Confirmation No.: 9137

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Customer Window, Mail Stop:  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [XX] **REQUEST TO VACATE NOTICE OF ABANDONMENT** in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL *	MINUS ** 20	0
INDEP. *	MINUS *** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		

ADDITIONAL FEE TOTAL

## SMALL ENTITY

RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	

OR

## OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	

OR

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- [ ] First - \$ 55.00
- [ ] Second - \$ 205.00
- [ ] Third - \$ 465.00
- [ ] Fourth - \$ 725.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- [ ] First - \$ 110.00
- [ ] Second - \$ 410.00
- [ ] Third - \$ 930.00
- [ ] Fourth - \$ 1450.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR \$1.16 and all patent processing fees under 37 CFR \$1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR \$1.18.

BROWDY AND NEIMARK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH=4

In re Application of: ) Art Unit: 1645  
Falk FISH ) Examiner: J. Hines  
Appln. No.: 09/763,415 ) Washington, D.C.  
Date Filed: May 16, 2001 ) Confirmation No. 9137  
For: METHOD AND KIT FOR THE ) September 30, 2003  
DETERMINATION OF...

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**REQUEST TO VACATE NOTICE OF ABANDONMENT**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant is in receipt of Paper No. 13 mailed September 16, 2003, copy attached, the second page of which is entitled "Notice of Abandonment" but which does not appear to accurately relate to the facts of the present application. Accordingly, applicant requests that such Notice of Abandonment be vacated, i.e. withdrawn.

**THE FACTS**

A Final Rejection, Paper No. 10, was mailed from the PTO on March 20, 2003. Six (6) months measured from the mailing date of March 20, 2003, is **September 20, 2003**.